

Notice of Allowability

Application No.

09/996,892

Examiner

John S. Chu

Applicant(s)

MIYAKE ET AL.

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/29/04.
2. ☒ The allowed claim(s) is/are 1-12 and 14-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

John S. Chu
Primary Examiner
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REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The claimed invention is drawn to the following:

1. (Original) A positive planographic printing plate precursor, comprising a support having disposed thereon a positive recording layer containing (A) a water-insoluble and alkali-soluble resin, (B) an infrared absorbent and (C) an organic quaternary ammonium salt, wherein solubility of the recording layer in an aqueous alkali solution is increased by exposure to an infrared laser.

and

11. (Currently Amended) A positive planographic printing plate precursor, comprising a support having disposed thereon at least two positive recording layers containing a water-insoluble and an alkali-soluble resin and an infrared-absorbing dye, with solubility of the recording layer in an aqueous alkali solution being increased by exposure to an infrared laser, wherein a coating amount of an upper positive recording layer is in the range of 0.05 to 0.45 g/m² and wherein a water-insoluble and alkali-soluble resin used in a lower recording layer and a water-insoluble and alkali-soluble resin used in the upper recording layer have different solubilities in a coating solvent

None of the references of record disclose the claimed invention as recited in claims 1 and 11. Applicants in the amendment of June 29, 2004, have inserted the limitations of claim 13 into claim 11 which the examiner indicated would make those claims allowable if written in independent. Claims 1-10 were previously indicated to be in condition for allowance as stated in the previous Office action, paragraph 1, page 2, mailed March 30, 2004.

New references made of record based on the European Search Report also fail to disclose the claimed invention as recited in claims 1 and 11.

VERMEERSCH et al '663 discloses a positive working printing plate wherein Examples 1 and 2 recite a top layer comprising a poly-p-vinylbenzyltrimethylammonium chloride and a carbon black pigment. This disclosure fails to anticipate or render obvious the claimed positive planographic printing plate precursor comprising a water-insoluble and alkali-soluble resin, an infrared absorbent and an organic quarternary ammonium salt, basically three separate and different ingredients. The reference prefers the use of the organic quarternary ammonium polymer and suggest other water-insoluble and alkali-insoluble binders in column 4, lines 62-65, while also suggesting water-soluble resins in column 4, line 66 – column 5, line 37. The reference fails direct the skilled artisan to use a water-insoluble, alkali-soluble resin with a quarternary ammonium compound or a water-insoluble, alkali-soluble resin with a quaternary ammonium polymer as claimed. Therefore the reference to VERMEERSCH et al fails to anticipate or render obvious the claims 1-10.

With respect to claims 11-12 and 14-20, each of EP-997272 A1, EP-908307 A2 and U.S. Patent 6,153,353 disclose an infrared sensitive printing plate with a top layer and a first underlayer. The prior art fails to disclose the presence of two positive recording layers having in each layer an IR absorbing dye. The EP references and the U.S. patent disclose the IR absorbing dye on in the top layer. For this reason these references are not used as prior art in a rejection against the claims.

Because none of the references of record disclose the claimed positive planographic printing plate of claims 1 and 11, claims 1-12 and 14-20 are seen as allowable and passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (571) 272-1329. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

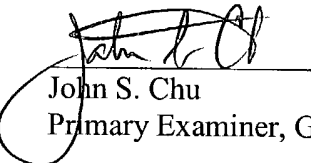
The fax phone number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John S. Chu
Primary Examiner, Group 1700

J.Chu
September 12, 2004